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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2013-675

13 **RYAN LEE JEFFERSON**

**STATEMENT OF ISSUES**

14 Applicant for Registered Nurse License/Respondent

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely  
18 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department  
19 of Consumer Affairs.

20 2. On or about May 25, 2012, the Board of Registered Nursing ("Board") received an  
21 Application for Licensure by Examination from Ryan Lee Jefferson ("Respondent"). On or about  
22 May 22, 2012, the Respondent certified under penalty of perjury to the truthfulness of all  
23 statements, answers, and representations in the application. On July 25, 2012, the Board of  
24 Registered Nursing denied the Respondent's application for licensure as a registered nurse.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board of Registered Nursing,  
27 Department of Consumer Affairs under the authority of the following laws. All section  
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

## STATUTORY PROVISIONS

### 4. Code Section 480 provides:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license.

### 5. Code Section 2736 provides:

(a) An applicant for licensure as a registered nurse shall comply with each of the following:

(1) Have completed such general preliminary education requirements as shall be determined by the board.

(2) Have successfully completed the courses of instruction prescribed by the board for licensure, in a program in this state accredited by the board for training registered nurses, or have successfully completed courses of instruction in a school of nursing outside of this state which, in the opinion of the board at the time the application is filed with the Board of Registered Nursing, are equivalent to the minimum requirements of the board for licensure established for an accredited program in this state.

(3) Not be subject to denial of licensure under Section 480.

(b) An applicant who has received his or her training from a school of nursing in a country outside the United States and who has complied with the provisions of subdivision(a), or has completed training equivalent to that required by subdivision (a), shall qualify for licensure by successfully passing the examination prescribed by the board.

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6. Code Section 2761 provides, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

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7. Code Section 2762 provides, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof. . . .

## REGULATORY PROVISION

8. California Code of Regulations, title 16, section 1444, provides:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of a Substantially Related Crime)**

3 9. Respondent's application for licensure is subject to denial under Code sections  
4 480(a)(1) and 2761(f), in accordance with California Code of Regulations, title 16, section 1444,  
5 because the Respondent has been convicted of a crime that is substantially related to the  
6 qualifications, functions, and duties of a registered nurse, and to a substantial degree evidences  
7 his present or potential unfitness to practice in a manner consistent with the public health, safety,  
8 or welfare. The circumstances are as follows:

9 a. On June 2, 2010, in the Superior Court of the State of California, County of San  
10 Bernardino, as part of a negotiated settlement, the Respondent entered a plea of no contest and  
11 was convicted of a violation of Vehicle Code section 23103 pursuant to Vehicle Code section  
12 23103.5, namely Wet Reckless, as a misdemeanor. The Respondent was sentenced to two years  
13 probation, ordered to serve 2 days in jail, complete alcohol counseling, and pay a fine. (*People of*  
14 *the State of California v. Ryan Lee Jefferson, Superior Court of the State of California, County of*  
15 *San Bernardino, Case No. TSB1001084*).

16 b. On March 5, 2010, at approximately 2:45 a.m. the California Highway Patrol  
17 responded to a vehicle rollover on Interstate 15 in San Bernardino, CA. At the scene, officers  
18 found the Respondent's vehicle with major damage. A female passenger of the vehicle told police  
19 that the Respondent was driving when the vehicle skidded off the roadway and overturned. She  
20 said that the Respondent fled on foot into the desert terrain. The police attempted to contact the  
21 Respondent by telephone and then drove to his residence in Victorville, CA to ascertain his  
22 welfare. The Respondent emerged from his home without a shirt and had numerous scratches and  
23 scrapes on his abdomen and arms. The Respondent also displayed red and watery eyes, and  
24 emitted an odor of alcohol. He admitted drinking alcohol before driving and told police that he  
25 had fallen asleep while driving. He said he checked on his passenger before fleeing and then  
26 called his girlfriend to pick him up from the highway. The Respondent was asked to perform  
27 field sobriety tests, which he failed to perform as explained and demonstrated. The Respondent  
28 provided a blood sample, which indicated a blood alcohol content of .13%.

1                                   **SECOND CAUSE FOR DENIAL OF APPLICATION**

2                                   **(Unprofessional Conduct – Dangerous Use of Alcohol)**

3           10. Respondent's application for licensure is subject to denial under Code sections  
4 2761(a) and 2762(b), for unprofessional conduct because the Respondent used controlled  
5 substances, dangerous drugs, or alcoholic beverages, to an extent or in a manner dangerous or  
6 injurious to himself, any other person, or the public or to the extent that such use impairs his  
7 ability to conduct with safety to the public the practice authorized by his license.

8           a. Complainant refers to, and by this reference incorporates, the allegations set forth  
9 above in paragraph 9, subparagraphs (a) and (b) inclusive, as though set forth fully herein.

10                                   **THIRD CAUSE FOR DENIAL OF APPLICATION**

11                                   **(Unprofessional Conduct – Alcohol Related Criminal Conviction)**

12           11. Respondent's application for licensure is subject to denial under Code sections  
13 2761(a) and 2762(c) for unprofessional conduct because the Respondent has been convicted of a  
14 crime involving the prescription, consumption, or self-administration of a controlled substance,  
15 dangerous drug, or alcoholic beverage.

16           a. Complainant refers to, and by this reference incorporates, the allegations set forth  
17 above in paragraph 9, subparagraphs (a) and (b) inclusive, as though set forth fully herein.

18                                   **FOURTH CAUSE FOR DENIAL OF APPLICATION**

19                                   **(Committing an Act that Would Be Grounds for Suspension or Revocation of a License)**

20           12. Respondent's application for licensure is subject to denial under Code sections 480  
21 (a)(3)(A) and 2761(a) in accordance with section 2736(a)(3) because the Respondent committed  
22 an act that if done by a licensee of the business or profession in question would be grounds for  
23 suspension or revocation of the license.

24           a. Complainant refers to, and by this reference incorporates, the allegations set forth  
25 above in paragraph 9, subparagraphs (a) and (b) inclusive, as though set forth fully herein.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Denying the application of Ryan Lee Jefferson for a Registered Nurse License; and
2. Taking such other and further action as deemed necessary and proper.

DATED: February 26, 2013

Louise R. Bailey  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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